

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**VICTIM RIGHTS LAW CENTER** *et al.*,

Plaintiffs,

v.

**ELISABETH D. DEVOS**, in her official  
capacity as Secretary of Education *et al.*,

Defendants.

Case Number: 1:20-cv-11104

**REQUEST TO EXPEDITE  
PRELIMINARY INJUNCTION  
HEARING**

Plaintiffs hereby respectfully request that the Court hold a hearing on Plaintiffs' Motion for a Preliminary Injunction prior to August 14, 2020.

On July 24, 2020, Plaintiffs filed a Motion for Preliminary Injunction or 5 U.S.C. § 705 Stay Pending Judicial Review (Doc. 31) of the Department of Education's regulations interpreting Title IX, *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Assistance*, 85 Fed. Reg. 30,026 (May 19, 2020) (the "Final Rule"). Because the Final Rule is currently scheduled to take effect on August 14, 2020, the parties agreed to an expedited briefing schedule, which the Court granted (Docs. 28, 33). According to this schedule, Defendants will file their response by August 5, 2020, and Plaintiffs will file a reply by August 10, 2020. On July 27, 2020, the Court set a hearing on Plaintiffs' motion for September 2, 2020 (Doc. 34).

Given the complexity and significance of the issues in dispute between the parties and the time-sensitive nature of the request for a preliminary injunction, Plaintiffs submit that oral argument would be beneficial to the Court, and we propose that a hearing for that purpose be

scheduled if possible prior to August 14, 2020. Plaintiffs assert that many portions of the Final Rule will result in irreparable harm, as described in the Memorandum in Support of the Motion for Preliminary Injunction or 5 U.S.C. § 705 Stay Pending Judicial Review (Doc. 32). Plaintiffs are therefore hopeful that the Court will rule on the preliminary injunction prior to the Final Rule's effective date to prevent these harms. Plaintiffs would be prepared to file their reply by August 7, 2020 if doing so would aid the Court in conducting oral argument prior to August 14, 2020.

Based on the foregoing, Plaintiffs respectfully request that their application to conduct oral argument prior to August 14, 2020 be granted.

Pursuant to Local Rule 7.1(a)(2), Plaintiffs have conferred with counsel for Defendants and have been advised that Defendants do not join this request.

Dated: August 3, 2020

Respectfully submitted,

By: /s/ David Newman  
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*\* motion for admission pro hac vice  
forthcoming*

*\*\*motion for admission to U.S. District  
Court for District of Massachusetts pending*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this **REQUEST TO EXPEDITE PRELIMINARY  
INJUNCTION HEARING**, was served this day on all parties via the Court's electronic case filing system.

Date: August 3, 2020

/s/ David Newman